

Applicant respectfully submits that the claims, as amended, overcome the Examiner's objections, and reconsideration is requested. Further, amended claims 2-11 are believed to be in compliance with 35 U.S.C. 112 second paragraph, and Applicant requests reconsideration by the Examiner of that rejection as well.

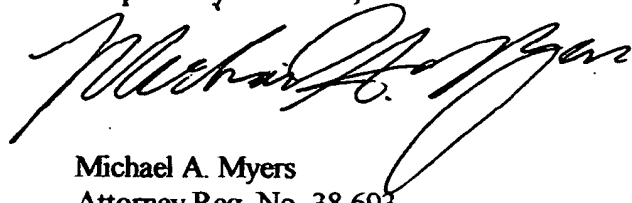
The Examiner also rejected Applicant's original claim 1 under 35 U.S.C. 102(b) as being anticipated by Cornwell (USPN 2,469,292, issued May 3, 1949, "the '292 Patent"). Applicant specifically challenges the Examiner's statement that the '292 Patent "shows all of [Applicant's] device, including a cup (4) and straw (15)." Cornwell discloses a drinking tube holder that includes an expandable member (6) that encircles a glass for holding the clamping end (11) of a metal strip (12). The metal strip has a bore (14) extending through it for receiving a drinking tube, or straw (15). The expandable member secures the metal strip to the exterior surface of the cup. There is no baffle plate, nor reservoir for containing and delivering a predetermined volume of fluid for ingestion shown by Cornwell. The problem solved by the correlation of the novel structures claimed in Applicant's amended claims 2 and 8 is precisely that which is shown by Cornwell's cup and straw: Individuals whose swallowing function is impaired cannot use a cup and straw.

The Examiner's statement that "[t]he preset amount of liquid would depend on the diameter of the straw and amount of 'suction' applied by the user" overlooks, among other things, Applicant's novel delivery tube, baffle plate, and reservoir. These and other structural features of Applicant's device are not shown or suggested in Cornwell. Reconsideration of claims 2-11 is respectfully requested.

Additionally, none of the prior art cited by the Examiner, alone or in combination, describes or suggests Applicant's novel features as claimed in amended claims 2 and 8. In the interest of

expediting the examination of this case, which was filed April 3, 2002, the Examiner is invited to contact the undersigned prior to taking any formal written action. Early and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Myers", is written over the typed name and registration number.

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